

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Kenneth Dale Siemens and
Janis Mae Siemens,

Complainants,

Case 01-12-047

vs.

Union Pacific Railroad Company,

Defendant.

**ADMINISTRATIVE LAW JUDGE'S RULING ON
REQUEST TO PROCEED WITH HEARING**

This ruling addresses the letter dated April 6, 2002, from Kenneth D. Siemens (Complainant) requesting that the Commission proceed with evidentiary hearing in this matter.

As the parties are aware, on February 6, 2002, Union Pacific Railroad Company (UP) filed a Motion to Dismiss. UP argues that as a matter of law, the Commission lacks jurisdiction to grant the relief requested in the complaint. Complainants filed their Response to Defendant's Motion to dismiss on February 19, 2002. UP filed its Reply to Complainants' Response to Motion to Dismiss on March 25, 2002.

The pending Motion to Dismiss needs to be addressed by the Commission before we can proceed with an evidentiary hearing. And it will take several weeks before the Commission can issue its decision in this matter.

Therefore, **IT IS RULED** that an evidentiary hearing will be scheduled after the Commission issues its decision on the pending Motion to Dismiss.

Dated April 17, 2002, at San Francisco, California.

/s/ BERTRAM D. PATRICK

Bertram D. Patrick
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on Request to Proceed with Hearing on all parties of record in this proceeding or their attorneys of record.

Dated April 17, 2002, at San Francisco, California.

/s/ TERESITA C. GALLARDO

Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.